

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

JIMMET JOSEPH,

Plaintiff

v.

PILOT TRAVEL CENTERS LLC

and/or PILOT FLYING J,

Defendants

CIVIL ACTION NO.:

1:21-cv-1837

JURY TRIAL DEMANDED

**FILED**  
HARRISBURG, PA

OCT 28 2021

PER



DEPUTY CLERK

**COMPLAINT**

Plaintiff, Jimmet Joseph, a resident of York County, Pennsylvania, by and through his attorney, brings this civil action for damages against the above-named Defendants, Pilot Travel Centers LLC and/or Pilot Flying J, demands a trial by jury, and complains and alleges as follows:

**JURISDICTION AND VENUE**

1. Jurisdiction of the claims set forth in this Complaint is proper in this judicial district pursuant to the Americans with Disabilities Act, as amended, 42 U.S.C. §12101, *et seq.* (the “ADAAA”), and 28 U.S.C. §§1331 and 1343.

2. Venue is proper in this judicial district pursuant to 28 U.S.C. §1391(b) because a substantial part of the events or omissions giving rise to these claims occurred in this judicial district.

### **THE PARTIES**

3. Plaintiff, Jimmet Joseph (“Mr. Joseph”), is an adult individual residing in Hanover, York County, Pennsylvania.

4. Defendants, Pilot Travel Centers LLC and/or Pilot Flying J (“Pilot”), is a corporation headquartered in Tennessee.

5. At all times relevant and material hereto, Pilot operated a location at 1501 Harrisburg Pike in Carlisle, Cumberland County, Pennsylvania, and was an employer as defined in the ADAAA.

### **ADMINISTRATIVE PROCEEDINGS**

6. On or about February 19, 2021, Mr. Joseph filed a Complaint with the Equal Employment Opportunity Commission (“EEOC”), which was docketed as Case No. 530-2021-02228, with instruction to be cross-filed by the EEOC with the Pennsylvania Human Relations Commission.

7. Plaintiff has been advised of his right to sue in federal court by the EEOC, which notice was received on or about July 30, 2021.<sup>1</sup>

8. All necessary and appropriate administrative prerequisites to this action have occurred.

### **STATEMENT OF FACTS**

---

<sup>1</sup> Plaintiff will amend this Complaint to include his claims under the Pennsylvania Human Relations Act (“PHRA”), 42 P.S. § 951, *et seq* when they are timely to be brought.

9. Mr. Joseph was hired by Pilot as a truck driver on or about September 24<sup>th</sup> of 2019, at the Pilot location in Carlisle, Pennsylvania.

10. From September 2019 through April 2020, Mr. Joseph proved himself to be a valuable employee of Pilot and was consistently receiving top marks and reviews for his performance.

11. Beginning in April 2020, Mr. Joseph applied for and was approved for short term disability through September 2020.

12. Mr. Joseph was on short term disability due to partial amputation of the large right toe.

13. Mr. Joseph kept Pilot informed of his medical progress.

14. Mr. Joseph received treatment for his partial amputation of the large right toe and was medically cleared to return to work, with no limitations, on or about September 24, 2020.

15. On or about September 24, 2020, Mr. Joseph was informed his job position had been filled.

16. Mr. Joseph was told to reapply for his position.

17. Mr. Joseph reapplied and was told there were no positions.

18. Pilot failed to offer Mr. Joseph a reasonable accommodation and refused his request to return to work in September of 2020.

19. Mr. Joseph was terminated from employment with Pilot on or around September 24, 2020.

20. Throughout the term of his disability which was approved, and throughout the ensuing medical examinations and treatment, Mr. Joseph remained in contact with Pilot and consistently requested that a reasonable accommodation be made.

21. Upon information and belief, Pilot is a large company with many positions available at the Carlisle location as well as other locations at any given time, which Mr. Joseph was more than qualified to fill.

22. Upon information and belief, Pilot terminated Mr. Joseph because of his disability and their refusal to provide a reasonable accommodation.

23. Pilot's discrimination based upon Mr. Joseph's actual disability and violated Mr. Joseph's rights under the ADAAA.

### **COUNT I**

#### **Violations of the ADAAA - Discrimination**

24. All prior paragraphs are incorporated herein as if set forth fully below.

25. Mr. Joseph is within the protective class of individuals as designated by the ADAAA because he was disabled and/or had a record of a disability as a result of his partial amputation of large right toe.

26. Mr. Joseph was able to perform the essential functions of his job with a minimal and reasonable accommodation.

27. The ADAAA prohibits employers from discriminating against employees because of a disability and/or a record of a disability.

28. Pilot violated the ADAAA and committed illegal discrimination by terminating Mr. Joseph because they falsely claimed they could not provide him with a reasonable accommodation.

29. The illegal discrimination is based on whole or in part upon Mr. Joseph's disability and/or record of a disability.

30. As a direct and proximate result of the conduct of Pilot in violating the ADAAA by discriminating against Mr. Joseph on the basis of his disability, record of a disability, and/or perceived disability, Mr. Joseph has been permanently and irreparably harmed and damaged and has and will continue to lose benefits of employment such as lost earnings, lost employment benefits, and non-economic damages in the form of embarrassment, humiliation, and anxiety.

WHEREFORE, Plaintiff, Jimmet Joseph, respectfully requests that this Honorable Court declare the conduct engaged in by Defendants, to be a violation of his rights under the ADAAA, and award all compensatory damages, lost wages (and raises) and benefits, front pay and back pay, lost future earning capacity, liquidated damages for intentional, willful, malicious, reckless, outrageous



conduct, damages for emotional distress, punitive damages, reasonable attorneys fees and costs incurred herein, and any pre and/or post judgment interest on all money awarded in damages for delay.

## **COUNT II**

### **Violations of the ADAAA – Failure to Accommodate**

31. All prior paragraphs are incorporated herein as if set forth fully below.

32. Mr. Joseph is within the protective class of individuals as designated by the ADAAA because he was disabled as a result of his partial amputation of large right toe.

33. Mr. Joseph was able to perform the essential functions of his job with a reasonable accommodation.

34. Pilot could have reasonably accommodated Mr. Joseph's condition by allowing moving him to another position within Pilot.

35. Pilot violated the ADAAA and committed illegal discrimination by terminating Mr. Joseph instead of providing a reasonable accommodation.

36. As a direct and proximate result of the conduct of Pilot in violating the ADAAA by failing to accommodate Mr. Joseph's disability, Mr. Joseph has been permanently and irreparably harmed and damaged and has and will continue to lose benefits of employment such as lost earnings, lost employment benefits,

and non-economic damages in the form of embarrassment, humiliation, and anxiety.

WHEREFORE, Plaintiff, Jimmet Joseph, respectfully requests that this Honorable Court declare the conduct engaged in by Defendants, to be a violation of his rights under the ADAAA, and award all compensatory damages, lost wages (and raises) and benefits, front pay and back pay, lost future earning capacity, liquidated damages for intentional, willful, malicious, reckless, outrageous conduct, damages for emotional distress, punitive damages, reasonable attorney's fees and costs incurred herein, and any pre and/or post judgment interest on all money awarded in damages for delay.

**DEMAND FOR JURY**

Pursuant to Federal Rule of Civil Procedure 38(b) and otherwise, Plaintiff respectfully demands a trial by jury.

Respectfully submitted,

Gunther & Patel, LLC



October 28, 2021

Date

Vipul T. Patel (PA 328462)  
vipul@thegplawfirm.com

2843 N. Front Street, Suite 201  
Harrisburg, PA 17110  
(717) 830-0833  
(717) 294-0432 (FAX)

**VERIFICATION**

I, Jimmet Joseph, Plaintiff, certify that I am authorized to make the within Verification; and the statements of fact in the foregoing Complaint are true and correct to the best of my knowledge, information, and belief. I understand that any false statements therein are subject to the penalties contained in 18 Pa. C. S. § 4904, relating to unsworn falsification to authorities.

Dated: 10/28/2021

*Jimmet J. Joseph*

\_\_\_\_\_  
Jimmet Joseph, Plaintiff



**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on this day I have served a true and correct copy of the foregoing Complaint upon the following via United States First-Class Mail, postage prepaid:

Michael Sayne  
Director, Labor Relations and Compliance  
Pilot Travel Centers LLC  
1501 Harrisburg Pike  
Carlisle, PA 17013

Dated: 10/28/2021

A handwritten signature in black ink, appearing to read "VT Patel", written over a horizontal line.

Vipul T. Patel, Esquire  
Attorney for Plaintiff

**CERTIFICATE OF COMPLIANCE**

I certify that this filing complies with the provisions of the *Public Access Policy of the Unified Judicial System of Pennsylvania: Case Records of the Appellate and Trial Courts* that require filing confidential information and documents differently than non-confidential information and documents.

Gunther & Patel

Dated: 10/28/2021

By:   
Vipul T. Patel  
Attorney ID No. 328462  
2843 N. Front Street, Suite 201  
Harrisburg, PA 17110  
Phone: (717) 830-0833  
Fax: (717) 294-0432  
vipul@thegplawfirm.com

Attorney for Plaintiff,  
Jimmet Joseph